

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSEPH OPPERISANO,

Plaintiff,

v.

ALYSON REILLY and THOMAS REILLY,

Defendants.

MEMORANDUM & ORDER
17-CV-5089 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff Joseph Opperisano, proceeding *pro se* and currently incarcerated at Mid-State Correctional Facility,¹ commenced this civil rights action on August 25, 2017, against Defendants Alyson Reilly and Thomas Reilly, his ex-wife and his former father-in-law respectively, alleging, *inter alia*, that they caused him to be falsely imprisoned in violation of 42 U.S.C. § 1983. (Compl., Docket Entry No. 1.) By Memorandum and Order dated May 1, 2018, the Court granted Plaintiff's request to proceed *in forma pauperis*, dismissed the Complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B), and granted leave to file an amended complaint within thirty (30) days of the Memorandum and Order. *Opperisano v. Reilly*, No. 17-CV-5089, 2018 WL 2023466, at *1 (E.D.N.Y. May 1, 2018). More than thirty days have passed and Plaintiff has failed to file an amended complaint.

¹ According to the New York State Department of Corrections and Community Supervision ("DOCCS") inmate lookup information, Plaintiff is currently incarcerated at Mid-State Correctional Facility. *See* New York State DOCCS "Inmate Lookup" <http://nysdoccslookup.doccs.ny.gov/GCA00P00/WIQ3/WINQ130> (last visited June 6, 2018). The Court may take judicial notice of Plaintiff's DOCCS inmate lookup information without converting the motion to dismiss to a motion for summary judgment. *See Johnson v. City of New York*, No. 15-CV-8195, 2017 WL 2312924, at *2 n.3 (S.D.N.Y. May 26, 2017) (collecting cases).

Accordingly, for the reasons stated in the May 1, 2018 Memorandum and Order, the Court dismisses the case without prejudice for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to close this case.

SO ORDERED:

s/ MKB

MARGO K. BRODIE
United States District Judge

Dated: June 7, 2018
Brooklyn, New York